

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes amendment to FIG. 9B. This sheet, which includes FIGS. 9A and 9B, replaces the original sheet including FIGS. 9A and 9B. A marked copy of amended FIG. 9B is also enclosed.

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## REMARKS

The allowance of claims 42-44 is acknowledged with thanks. Claims 37 and 45 have been amended to clarify the invention, and to better define the invention over the prior art. New independent claim 48 has been added to further scope the invention.

FIG. 9B has been amended to correct a typographical error in the numbering of the elements. No new matter has been added by any of the aforementioned changes.

Turning to the art rejections, the rejection of claims 37 and 39-40 under 35 USC §103(a) as being unpatentable over newly cited Ukeda et al. (US Patent No. 6,346,736) in view of the Admitted Prior Art (APA) is in error. Independent claim 37 requires “forming an isolation layer on said semiconductor substrate, said gate patterns and said trenches; perforating contact holes in said isolation layer; and forming a connection layer on said isolation layer and connecting the connection layer via the contact holes to said semiconductor substrate.” Neither the newly cited U.S. Patent to Ukeda et al. nor the APA teaches this element. Ukeda et al. teaches forming an interlayer isolation film 12 and a metal wire 13 on the semiconductor substrate but no contact holes. The APA does not teach anything regarding the formation of isolation layers and contact holes on the semiconductor substrate. Thus, no combination of Ukeda et al. and the APA could achieve or render obvious independent claim 37.

New independent claim 48 requires the trenches to be grid shaped. Neither Ukeda et al. nor the APA teaches this element. Ukeda et al. and the APA teach using dummy gate patterns with a comb-like structure (APA FIG. 4; Ukeda et al. FIGs. 4A-4B and 14A-14B). Thus, no combination of Ukeda et al. or the APA could achieve or render obvious claim 48, and claim 48 also is allowable over Ukeda et al. and the APA.

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The rejection of claims 45 and 47 under 35 USC §102(e) as being anticipated by U.S. Patent No. 5,923,969 to Oyamatsu (also newly cited) also is in error. Independent claim 45, as amended, requires "forming first and second gate electrodes on said first and second element formation regions, respectively and forming two or more dummy gates on said element isolation region..." Oyamatsu teaches forming gates on a gate insulating film 5. Thus, Oyamatsu does not anticipate nor render obvious independent claim 45.

Claims 39-40 and 47 depend directly or indirectly on claims 37 or 45 as the case may be and are allowable for the same reasons as stated above, as well as for their own additional limitations.

Having dealt with all the objections raised by the Examiner, it is believed that the Application now is in order for allowance. Early and favorable action are respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.


Respectfully submitted,



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**CERTIFICATE OF MAILING**

I certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to "MAIL STOP AMENDMENT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on June 17, 2005 at Tucson, Arizona.

By: 

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Marked Copy of Drawing

Fig. 9A

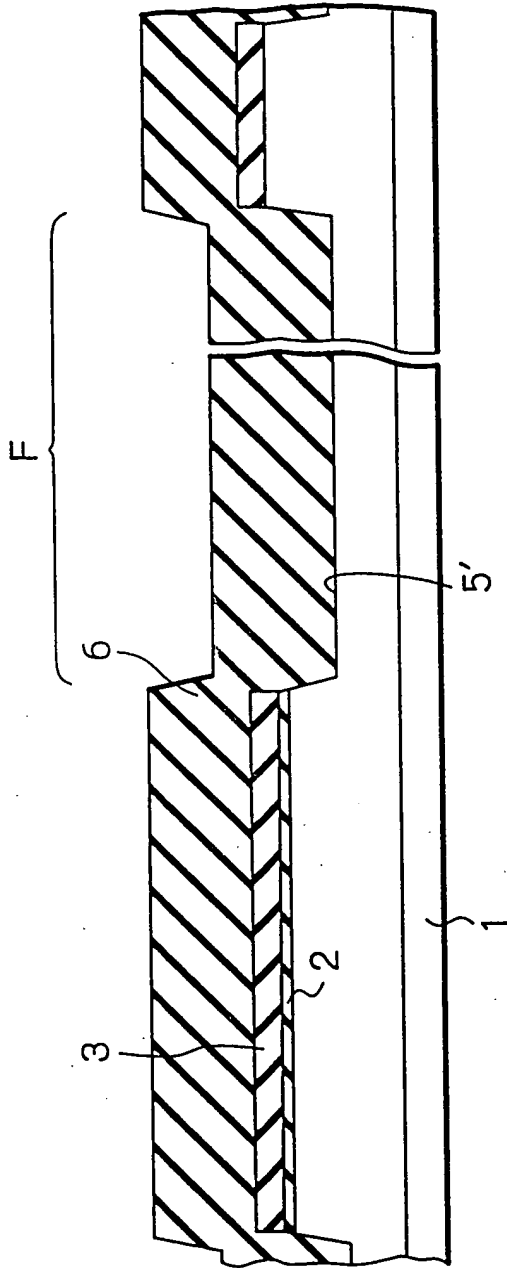


Fig. 9B

